

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Debtor.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY,

Debtor.

PROMESA
Title III

No. 17 BK 3567-LTS

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

URGENT MOTION OF AMBAC ASSURANCE CORPORATION, ASSURED GUARANTY CORP., ASSURED GUARANTY MUNICIPAL CORP., FINANCIAL GUARANTY INSURANCE COMPANY, AND NATIONAL PUBLIC FINANCE GUARANTEE CORPORATION TO EXTEND TIME ALLOTTED FOR ORAL ARGUMENT AT THE MAY 13, 2020 HEARING ON THE LIFT STAY MOTIONS

To the Honorable United States District Judge Laura Taylor Swain:

Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., Financial Guaranty Insurance Company, and National Public Finance Guarantee Corp. (collectively, the “Monolines”) hereby file this urgent motion (the “Urgent Motion”) requesting entry of an order, substantially in the form attached hereto as Exhibit A, modifying the *Order Regarding Procedures for May 13, 2020 Hearing* (ECF No. 13037) (“Procedures Order”), and extending the time allotted to the Monolines and the Trustees² for oral argument at the May 13, 2020 preliminary hearing on the Lift Stay Motions³ (the “Preliminary Hearing”) from one hour to one and a half hours. In support of this Urgent Motion, the Monolines respectfully state as follows:

JURISDICTION AND VENUE

1. The United States District Court for the District of Puerto Rico has subject-matter jurisdiction over this matter pursuant to Section 306(a) of PROMESA. Venue is proper pursuant to Section 307(a) of PROMESA.

BASIS FOR RELIEF REQUESTED

2. The Monolines respectfully request that the time allotted to the Monolines and the Trustees for oral argument at the Preliminary Hearing be extended from one hour to one and a half

² The “Trustees” refers to The Bank of New York Mellon, in its capacity as the CCDA bond trustee and U.S. Bank Trust National Association, in its capacity as the PRIFA bond trustee.

³ All capitalized terms not otherwise defined herein have the meanings ascribed in the Procedures Order.

hours in light of the significance and number of the issues that must be heard in connection with the Lift Stay Motions.⁴

3. The Preliminary Hearing will include argument on three separate motions, consisting of nearly 500 pages of briefing. The Lift-Stay Motions address a number of statutes, bond documents, factual issues, and hotly contested legal issues. The issues are highly significant, as they will determine the Monolines' and the Trustees' ability to enforce their rights to billions of dollars in pledged revenues.

4. The currently allotted one hour for the Monolines and the Trustees collectively provides only twenty minutes of oral argument, on average, for each of the three Lift Stay Motions. Moreover, if the Monolines and the Trustees were to reserve just two minutes for rebuttal on each Lift Stay Motion (which is plainly insufficient), they would be left with only eighteen minutes to present their legal and factual arguments. The Monolines request additional time for the Monolines and the Trustees to ensure adequate time to present the issues and respond to the Court's questions.

5. Counsel for the Monolines and the Trustees have been coordinating and intend to put forth a streamlined presentation of the issues, minimizing the number of parties presenting on each motion and ensuring a single presentation of overlapping legal issues. The Monolines nonetheless believe that an average of twenty minutes of argument time per motion is inadequate. An extra half hour of total allotted time will provide the Monolines and the Trustees collectively with an additional ten minutes of oral argument, on average, per motion, and allow for a more thoughtful presentation of the issues at the Preliminary Hearing.

⁴ The Monolines do not object to a corresponding increase of the argument time allotted to the opponents.

6. The Monolines have reached out to the Financial Oversight and Management Board for Puerto Rico (“FOMB”) and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF” and, together with FOMB, the “Government Parties”) to ascertain their position on this Urgent Motion. The Government Parties did not respond to the Monolines’ inquiry by the time of the filing of this Urgent Motion.

7. Accordingly, the Monolines respectfully request that the time allotted to the Monolines and the Trustees for oral argument at the Preliminary Hearing be extended from one hour to one and a half hours.

NOTICE

8. Notice of this Urgent Motion has been provided to the following entities, or their counsel, if known: (i) the U.S. Trustee; (ii) the Office of the U.S. Attorney for the District of Puerto Rico; (iii) AAFAF; (iv) FOMB; (v) the Official Committee of Unsecured Creditors; (vi) the Official Committee of Retired Employees of the Commonwealth of Puerto Rico; (vii) the insurers of the bonds issued or guaranteed by the Debtors; (viii) certain *ad hoc* groups of holders of bonds issued or guaranteed by the Debtors; and (ix) all parties that have filed a notice of appearance in the above-captioned Title III cases.

CERTIFICATION

9. In accordance with Section I.H. of the *Eleventh Amended Case Management Procedures* (Case No. 17 BK 3283-LTS ECF No. 11885-1), the undersigned counsel certify that they have engaged in reasonable, good-faith communications with the Government Parties concerning the relief sought in the Urgent Motion, and that the Government Parties did not respond to the Monolines’ inquiry prior to the time of the filing of this Urgent Motion. As required by Local Bankruptcy Rule 9013-1(a)(2), the undersigned counsel certify that counsel have carefully examined the matter and concluded that there is a true need for expedited consideration of the

Urgent Motion, and that the undersigned counsel have not created the urgency through lack of diligence on their part.

NO PRIOR REQUEST

10. No prior request for the relief requested herein has been made by the Monolines to this or to any other court.

WHEREFORE, the Monolines respectfully request that this Court enter an order substantially in the form attached hereto as Exhibit A granting the relief requested herein and granting such other relief as this Court deems just and proper.

Dated: May 7, 2020
San Juan, Puerto Rico

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CERTIFICATE OF SERVICE

I hereby certify that on this same date a true and exact copy of this notice was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record.

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